

**REED SMITH LLP**  
599 Lexington Avenue  
New York, New York 10022  
Tel.: 212.521.5400  
Fax: 212.521.5450  
Eric A. Schaffer  
Michael J. Venditto  
David M. Schlecker

*Attorneys for BNY Corporate Trustee Services, Limited*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

In re:

LEHMAN BROTHERS HOLDINGS, INC., et al.

Debtors.

Chapter 11

Case No. 08-13555 (JMP)

---

LEHMAN BROTHERS SPECIAL FINANCING INC.,

Plaintiff,

- against -

BNY CORPORATE TRUSTEE SERVICES LIMITED,

Defendant.

Adv. Proc. No. 09-01242 (JMP)

---

**MOTION FOR LEAVE TO APPEAL THE AUGUST 12, 2009 ORDER DENYING  
MOTION FOR DISMISSAL OF BNY CORPORATE TRUSTEE SERVICES LIMITED**

**PLEASE TAKE NOTICE**, that upon a Memorandum of Law in Support and the Declaration of Eric A. Schaffer, together with the exhibits annexed thereto, BNY Corporate Trustee Services Limited (“BNY”), the defendant in this adversary proceeding, by its undersigned counsel, hereby moves for leave to appeal under 28 U.S.C. § 158(a)(3) and Federal Bankruptcy Rule of Procedure 8001(b) the August 12, 2009 Order of the Honorable James M.

Peck, United States Bankruptcy Court for the Southern District of New York, denying BNY's Motion for Dismissal of Complaint.

Dated: August 24, 2009  
New York, New York

**REED SMITH LLP**

/s/ Eric A. Schaffer

Eric A. Schaffer  
Michael J. Venditto  
David M. Schlecker  
599 Lexington Avenue  
New York, New York 10022  
Tel.: 212.521.5400  
Fax: 212.521.5450

*Attorneys for BNY Corporate Trustee Services, Ltd.*